

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIE SAMPSON,

Petitioner,

vs.

JACK PALMER, *et al.*,

Respondents.

3: 11-cv-00019-LRH-RAM

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the information about petitioner's financial status, including any additional information that may have provided, the Court finds that the motion to proceed *in forma pauperis* should be granted.

The petition shall now be filed and served on respondents. A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

IT IS THEREFORE ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. The Clerk **SHALL FILE** the petition for a writ of habeas corpus.

IT IS FURTHER ORDERED that the Clerk shall **FILE the petition and**

1 **ELECTRONICALLY SERVE** the petition (ECF No. 1-1) upon respondents.

2 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry
3 of this order within which to answer, or otherwise respond to, the petition. In their answer or other
4 response, respondents shall address any claims presented by petitioner in his petition as well as any
5 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all
6 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
7 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
8 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
9 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
10 **forty-five (45) days** from the date of service of the answer to file a reply.

11 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
12 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
13 consideration by the court. Petitioner shall include with the original paper submitted for filing a
14 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
15 General. The court may disregard any paper that does not include a certificate of service. After
16 respondents appear in this action, petitioner shall make such service upon the particular Deputy
17 Attorney General assigned to the case.

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19 DATED this 5th day of February, 2011.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE